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Attorneys for Defendant

6 State Farm Mutual Automobile Insurance Company

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9  
10 **ANTHONY HANK**

11 Plaintiff,

12 v.

**PETITION FOR REMOVAL**

13 **STATE FARM MUTUAL**  
14 **AUTOMOBILE INSURANCE**  
15 **COMPANY; DOES I through X; and**  
16 **BUSINESS ENTITIES XI through**  
17 **XX, inclusive**

18 Defendant

19 Defendant STATE FARM MUTUAL AUTOMOBILE INSURANCE  
20 COMPANY, reserving all rights defenses exceptions and claims and without waiver  
21 thereof, hereby removes the above-entitled action from the District Court for the  
22 State of Nevada, County of Clark, to the United States District Court for the

District of Nevada pursuant to 28 U.S.C. section 1441(a), *et seq.* In support of this Petition of Removal, State Farm states as follows:

**I.**  
**RELEVANT BACKGROUND**

1. Plaintiff Anthony Hank commenced this matter styled *Anthony Hank v. State Farm Mutual Automobile Insurance Company et al.* in the Eighth Judicial District Court for the State of Nevada in and for the County of Clark as Case Number A-18-774738-C (Department XXV) on May 18, 2018.

2. Plaintiff served his Summons and Complaint on State Farm by serving the materials personally to the Nevada Department of Business and Industry, Division of Insurance. The Division effected service of process on State Farm on June 25, 2018. A true and correct copy of the summons and complaint is attached hereto as **Exhibit A**.

3. This is a civil action for the alleged breach of contract, breach of the covenant of good faith and fair dealing, and purported violations of NRS 686A.310.

**II.**  
**CITIZENSHIP**

4. The district courts of the United States have original jurisdiction of this action by virtue of 28 U.S.C. section 1332 because there is complete diversity of citizenship between the parties.

5. State Farm is now, and was at the time the State Court action was filed, a duly licensed corporation incorporated in the State of Illinois with its principal place of business in Bloomington, Illinois. It has never been a citizen of the State of Nevada.

### III. REMOVAL JURISDICTION

a. This action arises from plaintiff's claim for underinsured motorist benefits stemming from a motor vehicle accident. The policy's limit for underinsured motorist coverage was \$50,000 per person. **Exhibit B**, Declarations page. The policy's per-person limit is quite close to the jurisdictional minimum. Factoring in the potential for general and special damages arising from the claims of bad faith and violations of the Unfair Claim Practices Act, as well as punitive damages, State Farm is informed and believes that plaintiff will demand more than \$75,000 in this lawsuit. Moreover, plaintiff seeks to recover attorney's fees as damages in this matter, further stretching the amount in controversy beyond the jurisdictional minimum.

1 **IV.**  
2 **TIMELINESS OF REMOVAL PETITION**

3 9. Plaintiff filed the complaint on May 18, 2018, and served it on State  
4 Farm on June 25, 2018. Removal is timely as State Farm filed this notice of  
5 removal within thirty days of service, and within one year of the complaint's filing.  
6 28 U.S.C. § 1446(b).

7 **V.**  
8 **VENUE**

9 10. Venue is proper in the United States District Court, Southern District  
10 of Nevada, as Plaintiffs filed the Complaint in the District Court for the State of  
11 Nevada, in and for the County of Clark. 28 U.S.C. § 1331.

12 11. The adverse parties received written notice of the filing of this Notice  
13 of Removal, and State Farm filed a copy with the Clerk of the District Court in and  
14 for the state of Nevada, County of Clark, pursuant to 28 U.S.C. section 1446 (d).

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1 WHEREFORE, State Farm prays that this Action be removed to the United  
2 States District Court, District of Nevada, from the District Court of Nevada,  
3 County of Clark.

4 DATED this 20th day of July, 2018.

5 **RANALLI ZANIEL FOWLER & MORAN,**  
6 **LLC**

7  
8 By 

9 **BENJAMIN J. CARMAN, ESQ.**  
10 Attorney for Defendant,  
11 State Farm Mutual Automobile  
12 Insurance Company  
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**CERTIFICATE VIA CM/ECF**

Pursuant to FRCP 5, I hereby certify that I am an employee of RANALLI ZANIEL FOWLER & MORAN, LLC, and that on the 9th day of February, 2017, I caused to be served via CM/ECF a true and correct copy of the document described herein.

**Document Served:**

**PETITION FOR REMOVAL**

**Person(s) Served:**

Gabriel Martinez, Esq.  
**Greenman Goldberg Raby & Martinea**  
**601 South Ninth Street**  
**Las Vegas, NV 89101**  
Attorney for Plaintiff,  
Anthony Hank

\_\_\_\_\_/s/Donna Hicks\_\_\_\_\_  
An EMPLOYEE OF RANALLI ZANIEL FOWLER & MORAN, LLC

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